

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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IN RE APPLICATION OF: Leah E. Appel, et al. :  
: Examiner: S. T. Tran  
APPLICATION NO.: 10/799,536 :  
FILING DATE: March 11, 2004 :Group Art Unit: 1615  
TITLE: Controlled Release By Extrusion of Solid :  
Amorphous Dispersions of Drugs :  
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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Response And Amendment To Office Action Of November 17, 2006

This is in response to the Final Office Action mailed on November 17, 2006 in the above-identified application, the term for response having been extended three (3) months by including the appropriate fee and petition herewith. Reconsideration and allowance are respectfully requested in light of the amendments and comments below.

REMARKS

As a preliminary matter, attention is directed to the Petition for Extension of Time of three months and to the Request For Continued Examination (RCE) submitted herewith.

A current claim summary is presented as an addendum to this response, starting on its own separate sheet.

Claim 49 has been amended to specify that the dosage form is one wherein the core has a drug layer and a sweller layer arranged in a bi-layer geometry. Support can be found, *inter alia*, in Example 4 and Figure 2 which illustrates the more specific embodiment now claimed.

Claim 49 has also been amended to state that the drug (in the form of a solid dispersion) is contained in the drug layer and that the osmotic agent(s) is contained in the sweller layer. The amendment is supported, *inter alia*, by the paragraph bridging pages 30 and 31, wherein it is stated that the drug layer contains the drug and that osmotic agents can be contained in either layer.

Claim 49 has also been amended by incorporating claim 58 therein. Claim 49 thereby now names specific dispersion polymers useful in the invention. It is noted that the polymer hydroxypropylmethylcellulose which was originally in claim 58 has been omitted as one of the dispersion polymers in claim 49. The phrase "a cellulosic polymer" in claim 49 has been deleted as redundant.

Claim 58 has been canceled.